

REMARKS

The applicant provisionally elects with traverse the claims of Group I (claims 1-9, 11, 16-19) for prosecution on the merits.

The examiner has stated that restriction under 35 U.S.C. 121 and 372 is required because the inventions of Group I and II are not so linked as to form a single general inventive concept under PCT Rule 13.1. The examiner has argued that the "special technical feature" uniting the method and product/kit claims is the detection of the *IGF2* gene in cattle. The applicant respectfully disagrees. The special technical feature is *not* the detection of *IGF2* gene in cattle, but the detection of a specific polymorphism in the *IGF2* gene cattle. This special technical feature is *not* disclosed in the prior art- none of the prior art references cited teach the detection of this polymorphism in cattle. This special technical feature is an element of all of the claims of Group II and Group I. Therefore, all claims do have the same or corresponding technical feature, which is a novel polymorphism in the *IGF2* gene.

Claim 12 has been amended to more clearly define the invention claimed, more specifically, a kit that determines the genotype of a bovine animal at position 150 of SEQ ID NO: 1 in the *IGF2* gene. Claims 18 and 19 have also been amended to identify the SEQ ID NO: as being SEQ ID NO: 1.

Favourable consideration and withdrawal of the restriction requirement is respectfully requested.

Respectfully submitted,



Heenan Blaikie LLP,

HEENAN BLAIKIE LLP
South Tower, Royal Bank Plaza, Suite 2600
200 Bay Street PO Box 185
Toronto, Ontario
CANADA M5J 2J4
(416) 643-6813